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2/29/08

In re Application of:

Lopez, George A.

Serial No.: 10/607,946

Filed: Jun. 27, 2003

Docket: ICUMM.11C4C4CC1

Title: FLUID TRANSFER DEVICE AND
METHOD OF USE

DECISION ON PETITION

This is a decision on the Petition for Suspension of Action received on Feb. 11, 2008, seeking to suspend action on the above-identified application for a period of six months. This petition is being considered pursuant to 37 CFR § 1.103(a). The petitioner has authorized a charge of the requisite petition fee to the Account No. 11-1410.

The petition is dismissed.

The record shows that:

- 1) On Aug. 10, 2007, the examiner issued a non-final Office action.
- 2) On Feb. 11, 2008, the applicant filed a response to the non-final Office action and the petition for a six-month suspension under 37 CFR § 1.103(a).

In the petition, petitioner alleges that the applicant is in the process of ongoing discussions with the Office regarding the most efficient method to submit voluminous documents from litigations involving patents that share a common priority claim with the present application. Petitioner believes that this process of ongoing discussions constitutes a good and sufficient cause to justify a six-month suspension of action.

The reason for a six-month suspension of action is not convincing and could not justify a six-month delay in prosecution. The Office must balance the burden of timely examinations and needs of the public to know which claims it faces with the needs of applicants in pursuing claims which reflect the scope to which they are entitled. Applicant has failed to outline where he/she presently stands in the discussion with the Office personnel regarding submission of the voluminous documents from litigations involving patents that share a common priority claim or to establish why, in particular, a six-month suspension of action will advance the prosecution of the application. Accordingly, applicant has failed to establish good and sufficient reasons to delay the prosecution. The application remains in active status and being returned to the

examiner for immediate consideration of the amendment filed on Feb. 11, 2008 and issuance of an Office action.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3763 for preparation of an Office action in response to the amendment filed on Feb. 11, 2008. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.

A handwritten signature in black ink, appearing to read 'Fred R. Schmidt', is written over a horizontal line.

Frederick R. Schmidt, Director
Technology Center 3700